

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

HECTOR CHAVIRA,  
Plaintiff,

v.

EVELYN UPCHURCH, Director,  
Texas Service Center, USCIS, et. al.

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Case No. 4:07-cv-381

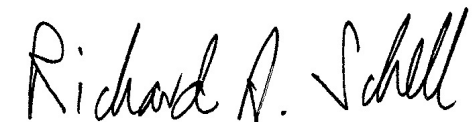
**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On August 16, 2007, the Report and Recommendation of the Magistrate Judge was entered containing his recommendation that this civil action filed by Plaintiff Hector Chavira should be dismissed without prejudice because this court lacks jurisdiction over the subject matter. On August, 27, 2007, Plaintiff filed objections to the Report and Recommendation.

The court, having made a *de novo* review of the objections raised by the Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. It is, therefore,

ORDERED that the Defendants' Motion to Dismiss (de #12) is GRANTED, and this civil action is hereby DISMISSED WITHOUT PREJUDICE pursuant to FED. R. CIV. P. 12(b)(1).

**SIGNED this the 28th day of August, 2007.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE